



## **INDEPENDENT EDUCATIONAL EVALUATION (IEE) POLICY**

Belle Mente Academies (“Charter School” or “the LEA”) adopts the following guidelines to provide special education administration and staff with an overview of the federal and state laws surrounding Independent Educational Evaluations (“IEE”) and recommended best practices when working with parents/guardians and assessors when Charter School has received a request for an IEE.

A parent/guardian (“parent”) may obtain an IEE for their child at their own expense at any time. The parent/guardian of a student with a disability, or with an Individualized Education Plan (“IEP”), may obtain an IEE at public expense, subject to the provisions of federal and state law, when the parent/guardian disagrees with an assessment obtained by Charter School within the last two years. A parent/guardian may request one IEE in response to each area of evaluation completed or obtained by Charter School within the last two years.

This policy sets forth the procedures under which students with disabilities are entitled to an IEE at public expense.

### **Definitions**

*Independent Educational Evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the responsible local educational agency (“LEA”). An IEE can be conducted in any area previously evaluated by the LEA.

*Qualified Examiner* is an evaluator who is competent to perform the evaluations through criteria established by the LEA in accordance with Education Code, Section 56322.

*Public expense* means that LEA either pays for the full cost of the evaluation or ensures that the evaluation or evaluation components are otherwise provided at no cost to the parent or guardian.

*Local educational agency (LEA)* means the school district or county education office that is responsible for providing educational services to a child with a disability.

### **IEE at Public Expense**

Parents have the right to an IEE at public expense if they disagree with an evaluation completed by the LEA. Parents may only request one IEE in response to each evaluation completed by the LEA. Parents must make a request for an IEE within two calendar years of the date of presentation of the assessment with which they disagree.

When when a parent requests an IEE at public expense, Charter School shall provide the parent with a copy of their procedural safeguards and either:



1. Initiate a due process hearing to show that the evaluation, completed by the LEA, is appropriate; or
2. Provide the IEE at public expense.

The LEA may request that the parent provide reasoning as to why they object to the evaluation conducted by the LEA. The LEA may not, however, **require** the parents to explain their reasons and may not unreasonably delay either providing an IEE at public expense or initiating a due process hearing to show that its own evaluation was appropriate. If the LEA initiates a hearing and the final decision is that the evaluation conducted by the LEA was appropriate, the parent shall not have the right to an IEE at public expense.

The IEE shall be administered by an evaluator in the same type of educational setting as that used by the LEA in providing similar evaluations including, but not limited to, classroom observations.

Parents must indicate in writing to the LEA or inform the LEA at an IEP meeting that they disagree with an evaluation conducted by the LEA and that they are requesting an IEE at public expense. If the parent makes an oral request for an IEE, LEA staff shall offer to assist the parent in putting the request in writing and shall assist the parent if the parent so requests. Although not mandatory, the LEA encourages the parents to provide the following:

- a. Specific area(s) of disagreement or disputed in the District's assessment
- b. Requested area(s) of assessment
- c. Questions or issues with the District's assessment that would be addressed by the IEE

Once the LEA receive a written request for an IEE, it will consider the request without unnecessary delay, and provide a Prior Written Notice stating whether the LEA grants or denies a publicly funded IEE.

If the LEA agrees to provide the IEE at public expense, it will provide parent:

1. A copy of this IEE policy, which includes the agency criteria for independent educational evaluations, and
2. A list of evaluators that meet the LEA's criteria for IEEs, and how these evaluators may be contacted. The list is not intended to limit a parent's options in obtaining an IEE from other qualified professionals who meet the agency criteria outlined in this policy but who are not included on the list of pre-approved evaluators.

In the event that a parent/guardian requests to utilize an evaluator who does not meet the LEA's criteria, the LEA shall provide the parent the opportunity to demonstrate that there are unique circumstances to justify their selection of such an evaluator. The LEA will then make a determination if the use of the requested evaluator that does not meet agency criteria is warranted, and respond to the parent with a prior written notice.

If the LEA agrees to publicly fund an IEE, and once the parent provides the LEA with the preferred assessor, the following are the steps in the IEE process:

1. LEA will provide parent with an exchange of information form which permits the LEA to contact the preferred assessor. This form must be signed before the LEA can begin the IEE.
2. Once the exchange of information form is signed, the LEA will contact the chosen independent evaluator to discuss the scope and sequence of the assessments to be completed, including the following but not limited to: the availability, location of the IEE assessment, mandatory attendance at the IEP to discuss completed assessments and report, release of the report and protocols to the LEA, and total fee for the assessment. If in the event that health measures or protections are in place, the assessor will follow the county health department guidelines and best practices throughout the entire testing procedure which may include but is not limited to: mask wearing and social distancing.
3. Once the LEA has spoken with the independent evaluator and confirmed that all of the IEE criteria are met, the LEA will contract the independent evaluator with the evaluator for provision of the IEE. This agreement must be signed before the IEE may begin. The LEA is not responsible for delays in the completion of the IEE due to an independent evaluator's delay in signing this agreement. As part of the contracted evaluation, independent evaluators must agree to:
  - attend relevant IEP Team meetings by phone or in person to discuss their findings
  - provide protocols of the assessments
  - provide a written report to the LEA five (5) days prior to the IEP Team meeting, and observe student in educational setting (as applicable to the assessment being conducted)

The written report must meet the requirements of the Individuals with Disabilities Education Act and California Education Code Section 56327.

4. Once the assessment is completed, the IEE assessor shall provide a written report to both the LEA and the parent at least five (5) business days before the scheduled IEP meeting to review the assessment.
5. LEA shall work with the parent and the independent evaluator to schedule and hold an IEP Meeting to consider the IEE report. The results of an IEE will be considered, but will not automatically dictate the IEP team's determinations.

If the parent obtains an IEE at private expense, the results of the evaluation (if the evaluation meets the agency criteria) must be considered by the LEA in making educational decisions as required by the Individuals with Disabilities Education Act. The evaluation may also be presented as evidence at a due process hearing regarding the child.



If the LEA observed the student in conducting the evaluation with which the parents disagree or if its assessment procedures allow in-class observations, the independent examiner will be provided with an equivalent opportunity to observe the child in the current educational setting and to observe the LEA's proposed setting, if any. This opportunity shall also be provided if the parents obtain an evaluation at private expense.

The LEA shall define the nature and scope of an independent examiner's in-class observations consistent with the right to an equivalent opportunity to observe, but also consistent with its obligations to prevent unnecessary disruption in the class and to protect the privacy interests of other students. These parameters may include, but are not limited to, identifying the time constraints of such observation, LEA personnel who will participate in the observation and restrictions on student/teacher interactions.

To prevent unnecessary disruption in the classroom and to protect the privacy interests of other students but provide an independent examiner an equivalent opportunity to observe the student, observations are subject to reasonable restrictions outlined in the LEA's policy or practice. Reasonable restrictions include, but are not limited to, the following: 1) scheduling the observations with appropriate administrators in advance; (2) identifying reasonable time limitations; (3) identifying LEA personnel to accompany the independent evaluator during the observations; and (4) outlining reasonable restrictions on interacting with the student and teacher during classroom instruction.

### **Conflict of Interest**

To ensure the independence of the evaluation and any recommendations therein, the LEA will not contract with an independent evaluator who is providing current, ongoing services to the student or who is sought to provide future services to the student. Likewise, if the independent evaluator recommends a particular service and the IEP team agrees to that service, in its discretion, the LEA may not fund the service through the independent evaluator.

### **Reimbursement for Unilaterally Initiated IEE at Parent Expense**

The LEA acknowledges that a parent/guardian may obtain IEE(s) at their own expense at any time. In these circumstances, the Administrator or Special Education Director shall ensure that the student's IEP team shall consider the results of the IEE when determining an offer of a free appropriate public education ("FAPE") for the student. The results of an IEE will not dictate the IEP team's determinations.

A parent is requested, but is not required, to notify the LEA prior to obtaining a unilateral IEE. Regardless, if a parent/guardian obtains an IEE at private expense, the parent's request for payment and/or reimbursement shall be received by the LEA within a reasonable time after receipt of the results of the completed IEE.

If parents request reimbursement for a completed IEE, the evaluation must meet the agency criteria included in this policy. It is the responsibility of the director/administrator of the LEA to determine whether the completed IEE meets the agency criteria and that the request for



requirements was made within a reasonable time after receipt of the results of the evaluation. Once the LEA receives a request for reimbursement, the special education administrator shall respond to the parent/guardian in a timely manner.

If the LEA grants the request for reimbursement in lieu of filing for due process hearing, reimbursement will be in an amount no greater than the actual cost to the parents. The parent/guardians may only be reimbursed for one (1) IEE for each assessment area or discipline with which they disagree. Reimbursement may be denied in part or in whole if the IEE does not meet the LEA's criteria.

The LEA does not have an obligation to reimburse parents/guardians for privately obtained evaluations completed prior to the date that the LEA's evaluation is completed and discussed at an IEP Team meeting.

When insurance will cover all or partial costs of the IEE, Charter School may request that the parent/guardian voluntarily have their insurance pay the IEE costs covered by their insurance. However, parent/guardians will not be asked to have insurance cover independent evaluation costs if such action would result in a financial cost to the parents including, but not limited to the following:

- A decrease in the available lifetime coverage or any other benefit under an insurance policy
- An increase in premiums or the discontinuance of the policy; or
- An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim unless the parent is willing to have the Charter School reimburse them for the amount of the deductible.

In all cases, if the LEA initiates a due process hearing to show that the LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer

## **IEE Criteria**

### *Geographic Limitations*

IEE Evaluators must be located within the boundaries of San Diego County. Evaluators outside of this area will be approved only on an exceptional basis by the LEA if the parents or the LEA can demonstrate there is a unique need for a specialized evaluation and that there are no qualified evaluators within the specified area who can appropriately assess their child's educational needs.

### *Assessor Qualifications and Cost Limitations for Evaluations*

The cost of an IEE shall be comparable to those costs that the LEA incurs when it uses its own employees or the going rate in the area for contractors to perform a similar assessment. Costs include: observations, record review, administration and scoring of tests, report writing, and attendance in person or by phone/Zoom at an IEP Team meeting in which the IEE is presented. Reimbursement will be in an amount no greater than the actual cost to the parent and will be

subject to proof of payment.

The parent/guardian shall be given the opportunity to demonstrate that unique circumstances, related to the student's education need(s), justify the selection of an independent assessor outside of the Charter School's cost or other criteria.

The LEA maintains a courtesy list of potential Independent Educational Evaluation (IEE) evaluators who meet the LEA's criteria; however, the LEA does not endorse the evaluators listed and are not responsible for any liability that may arise from use of any evaluator listed. Parents may, but are not required to, choose an assessor from this list.

It is recommended that parents/guardians request a copy of potential evaluators' resumé or vitae, ask for references, and request a written proposal that includes the itemized costs for the evaluation including writing the report and attending the IEP meeting, prior to making a final selection as to their choice of provider. It is recommended that parents contact the LEA prior to making the final selection of an IEE evaluator to ensure that the evaluator meets the agency's licensures/credentialing criteria.

The following are reasonable maximum cost amounts as well as assessor qualification requirements. Other than establishing these criteria, the LEA shall not impose conditions or timelines related to a parent obtaining an IEE at public expense:

<b>Type of Assessment</b>	<b>Qualifications</b>	<b>Rate*</b>
Academic Achievement	<ul style="list-style-type: none"> <li>● Credentialed Special Education Teacher</li> <li>● Credentialed School Psychologist</li> <li>● Licensed Educational Psychologist</li> </ul>	\$500-\$820
Assistive Technology/ Augmentative Alternative Communication	<ul style="list-style-type: none"> <li>● Credentialed or Licensed Speech/Language Pathologist</li> <li>● Certified Assistive Technology Specialist</li> <li>● Licensed Occupational Therapist</li> <li>● Credentialed School Psychologist</li> </ul>	\$1,200
Auditory Processing	<ul style="list-style-type: none"> <li>● Licensed or Certificated Audiologist</li> <li>● Credentialed School Psychologist</li> <li>● Licensed Educational or Clinical Psychologist</li> <li>● Credentialed or Licensed Speech/Language Pathologist</li> </ul>	\$700
Behavior/Functional Behavior	<ul style="list-style-type: none"> <li>● Credentialed School Psychologist</li> <li>● Licensed Educational or Clinical Psychologist</li> <li>● Credentialed Special Education Teacher</li> </ul>	\$3,000



Full Psycho-Educational (includes, but is not limited to, academic, adaptive, basic psychological processing, behavior, cognition, and social-emotional)	<ul style="list-style-type: none"><li>● Credentialed School Psychologist</li><li>● Licensed Psychologist</li><li>● Licensed Educational Psychologist</li><li>● Clinical Psychologist</li><li>● Credentialed Special Education Teacher (academic only)</li></ul>	\$6,000
Educationally Related Mental Health	<ul style="list-style-type: none"><li>● Credentialed School Psychologist</li><li>● Licensed Clinical Social Worker(s)</li><li>● Licensed Marriage Family Therapist</li><li>● Licensed Clinical Psychologist</li></ul>	\$1,650
Occupational Therapy	<ul style="list-style-type: none"><li>● Credentialed Adapted Physical Education Teacher</li><li>● Registered/Licensed Occupational Therapist</li><li>● Licensed Physical Therapist</li></ul>	\$1,000
Speech and Language	Credentialed or Licensed Speech/Language Pathologist	\$1200
Visual Acuity and Perception	<ul style="list-style-type: none"><li>● Credentialed Teacher of the Visually Impaired</li><li>● Credentialed School Nurse</li><li>● Vision Specialist</li><li>● Credentialed Orientation and Mobility Instructor</li><li>● Ophthalmologist/Licensed Optometrist</li></ul>	\$1000

*Appendixes:*

*Appendix A: List of Pre-Approved Independent Evaluators*

*Appendix B: IEE Service Agreement*

## Appendix A: BMMA IEE Cover Letter

(Insert Date)

Dear [insert parent/guardian name],

RE: Independent Educational Evaluation – (Fill in area(s) to be assessed)

Attached is the current Bella Mente Montessori Academy IEE Policy, as well as our LEA's list of Independent Evaluators who meet criteria to perform the requested evaluations.

It is not required that you choose an assessor from the provided list, as long as your chosen assessor otherwise meet the criteria outlined in the enclosed IEE Policy

Please notify me once you have chosen a qualified evaluator. If you choose an evaluator that does not meet one or more of the specified criteria, please include a written explanation that demonstrates the unique circumstances which justify the waiver of the criteria requirements, for our consideration. Once a mutually approved evaluator is selected, and before the assessment begins, the school will initiate a contract with that evaluator. Once you have made your decision, or if you have any questions, please contact me at (760) 621-8948.

Also enclosed are a copy of your Procedural Safeguards and a Prior Written Notice stating the proposed action of the LEA.

Thank you,

Erin Feeley

Executive Director

Enc: Bella Mente Montessori Academy IEE Policy, List of Independent Evaluators, Procedural Safeguards, Prior Written Notice